

## REMARKS/ARGUMENTS

Claims 22-31, 33-37, 39-41, 43-55, 57-66, and 68-74 remain in the application for further prosecution. Claims 32, 38, 42, 56, and 67 have been cancelled. Claims 22, 36, 54, 57, 64, 68, and 69 have been amended.

### Substance of The December 16<sup>th</sup> Interview

Applicants' representative appreciates the interview afforded him by the Examiner. Applicants' representative agrees with the substance of the Interview Summary dated December 21, 2004.

### Double Patenting

Claims 24-74 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all of the claims of U.S. Patent Nos. 6,645,074; 6,322,309; and 6,190,255.

To overcome this rejection, three Terminal Disclaimers are submitted herewith.

### § 103 Rejections

Claims 22-74 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Bally POKER PLUS game ("POKER PLUS"). As mentioned to the Examiner during the interview, it is the Applicants' position that a *prima facie* case of obviousness (and thus anticipation) has not been established because several elements of the pending claims are not mentioned, taught, or suggested by POKER PLUS. In an effort to clarify the claimed inventions and to even further distinguish the pending claims from the prior art, Applicants have amended several independent claims. With regard to the new claim elements related to the monetary-value type of award indicia being determined for the bonus

game based on a wager amount in the basic game, the support for this feature can be found on page 16, lines 7-29 and FIGS. 8-11 of the present specification.

Consequently, at least the following limitations that are present in the independent claims are not mentioned, taught, or suggested by POKER PLUS:

Independent Claims 22 and 36

- "said plurality of selectable elements and said award indicia being distinct from said plurality of basic-game symbols"
- "said bonus game award being independent of any award provided in said basic game"

Independent Claim 46

- "said basic game including a plurality of symbol-bearing reels"
- "said plurality of selectable elements being distinct from symbols on said plurality of symbol-bearing reels"

Independent Claim 54

- "in response to said start-bonus outcome, terminating said displaying of said images of said plurality of basic-game symbols"
- "said plurality of selectable elements being distinct from said plurality of basic-game symbols"
- "said award indicia for at least one of said plurality of selectable elements having a monetary value"
- "said award indicia for at least one of said plurality of selectable elements being a stop-bonus-game symbol"

- "said monetary value being determined for said bonus game based on a wager amount in said basic game"

Independent Claim 64

- "said plurality of selectable elements being arranged in a multi-row and multi-column array"
- "in response to said start-bonus outcome, terminating said displaying of said images of said plurality of basic-game symbols"
- "said plurality of selectable elements being distinct from said plurality of basic-game symbols"
- "said award indicia for at least one of said plurality of selectable elements having a monetary value"
- "said award indicia for at least one of said plurality of selectable elements being a stop-bonus-game symbol"
- "said monetary value being determined for said bonus game based on a wager amount in said basic game"

Independent Claim 69

- "said plurality of selectable elements being distinct from said plurality of basic-game symbols"
- "said award indicia for at least one of said plurality of selectable elements having a monetary value"
- "said monetary value being determined for said bonus game based on a wager amount in said basic game"

In POKER PLUS, the five cards that included the "four-of-a-kind" winning combination are the same five cards that are used to determine whether the winning amount can be multiplied if the player selects the card that is instructed by the gaming terminal. As such, neither the selectable elements nor the award indicia are "distinct" from the basic game symbols in POKER PLUS.

Additionally, the bonus award in POKER PLUS is dependent on the award from the basic game as it is a multiplier of the basic game award.

Further, in POKER PLUS, in response to the start-bonus outcome, the displaying of the images of the plurality of basic-game symbols is continued throughout the follow-up game. These images are not terminated.

Also, in POKER PLUS, the award indicia for at least one of said plurality of selectable elements does not have a monetary value. Nor does the award indicia for at least one of the plurality of selectable elements have a stop-bonus-game symbol. The differences between POKER PLUS and the present invention can be seen by reviewing the credit award symbols and the "PARTY POOPER" symbols in FIG. 9 of the present specification. In addition to the fact that the POKER PLUS fails to teach or suggest award indicia that are a monetary value and a stop-bonus-game symbol, POKER PLUS surely does teach or suggest that the monetary value is determined by the wager amount in the basic game.

And, in POKER PLUS, the plurality of selectable elements are not arranged in a multi-row and multi-column array, such as the one in FIGS. 8-9.

Furthermore, as mentioned to the Examiner during the interview, the Applicants are unsure where the Examiner finds support for the statement that "the applicant has disclosed the

non criticality of which primary game can be played" when rejecting all of the claims having elements that are directed to slot machines. Office Action, p. 3. The Applicants do not believe that they have made such a disclosure and respectfully request the Examiner to reconsider this statement.

Finally, there are numerous detailed elements that are set forth in the dependent claims that were not addressed in the Office Action. The Applicants respectfully request the Examiner to consider the dependent claims as many of them serve as yet a further independent basis for patentability over the prior art, including the POKER PLUS reference.

### **Conclusion**

It is the Applicant's belief that all of the claims are now in condition for allowance, and action towards that end is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,



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